GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:1019
ANSWERED ON:01.03.2000
RESERVATION FOR SC/ST
RAMDAS ATHAWALE

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

e:

(a) whether the Government have received a number of requests to review the reservation for SCs/STs afresh in proportion to present their population;

(b) if so, the details thereof;

(c) whether the Government propose to make amendment in the ratio of reservation to this class by considering year 2000 as base year;

(d) if so, the facts thereof; and

(e) if not, the reasons therefor?

Answer

MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
SMT. MANEKA GANDHI
(a) to (e): The Government has received a number of requests to review the reservation for SC/ST. However, the nine-judge Constitution Bench judgement dated 16.11.1992 of the Supreme Court in the case of Indira Sawhney Vs. UOhas observed that Clause 4 of Article 16 (which empowers the State to provide reservation for SCs/STs/OBCs) speaks of adequate representation and not proportionate representation. The Apex Court has further observed that it is not possible to accept the theory of propirtionate representation though the proportion of population of Backward Classes to the total populaltion would certainly be relevant. Therefore, the power conferred by clause 4 of Article 16 should be exercised in a fair manner and within reasonable limits so that reservation under Clause 4 of Article 16 does not exceed 50%. Presently, reservation for SCs/STs/OBCs provided under Article 16(4) is already 49.5% and 50% in the case of direct recruitment by open competition and direct recruitment otherwise than by open competition respectively and any further increase in reservation percentage for SC/ST in proportion to their population is not feasible in terms of the aforementioned Supreme Court judgement.